IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4172 OF 2005

Ramrao Annamraj : Petitioner
(Orig. Defendant)

V/s.

Bhawaria Shyamkant Eknath : Respondent
(Orig. Plaintiff)

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Mr.T.G.Vora with Mrs.Neeta Parekh for the petitioner.

Mr.R.D. Suryawanshi for the respondent.

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CORAM : S.A. BOBDE, J.

July 13, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Suryawanshi, learned counsel, appears and waives service of rule on behalf of the respondent.

Heard by consent.

2. The petitioner has applied for cancellation of warrant issued against him in execution proceedings to the executing Court. The executing Court was about to decide the said application. The learned counsel for the petitioner states that in the meanwhile, he has furnished

an undertaking as stated by him and as recorded by this Court in its order dated 29.6.2005. That undertaking has been accepted and shall continue to be in force. In the meanwhile, the executing Court shall be at liberty to decide the petitioner's application for cancellation of the warrant, in accordance with law. No further order is necessary.

3. The petition is disposed of.

S.A. BOBDE, J.